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Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R & M)

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FILED
U.S. DISTRICT COURT
2007 AUG 22 PM 12:25
S.D. OF N.Y. W.P.

ROSE MIRDITA

Plaintiff,

against

ATLANTIC REFINING & MARKETING
CORP. and SUNOCO, INC. (R & M)

Defendants.

Civil Action No. _____
ECF Case

**NOTICE OF REMOVAL
07 CIV. 7444**

BRIEANT

TO: THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants, Atlantic Refining & Marketing Corp. ("Atlantic"), a Delaware Corporation with its principal place of business located in Philadelphia, Pennsylvania and Sunoco, Inc. (R & M) ("Sunoco"), a Pennsylvania Corporation with its principal place of business located in Philadelphia, Pennsylvania, through its counsel, Connell Foley LLP, in accordance with the provisions of 28 U.S.C. § 1446, respectfully state:

1. Defendants desire to exercise their right under the provisions of 28 U.S.C. § 1441 to remove this action from the Supreme Court of the State of New York, County of Westchester, where the case is now pending under the name and style, Rose Mirdita v. Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R & M), bearing index number 12559/07.

2. A copy of the Verified Complaint filed by plaintiff in the Supreme Court of New York, County of Westchester is attached hereto as Exhibit "A".

3. A copy of Defendants, Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R & M)'s, Answer to the Verified Complaint, also filed separately, is attached as Exhibit "B".

4. Plaintiff's Verified Complaint was filed on or about July 11, 2007. These defendants were served with the Summons and Verified Complaint, on or around July 27, 2007.

5. This action is removable to this Court by defendants, pursuant to 28 U.S.C. § 1441(a).

9. The above described action is one of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, in that it is a civil action wherein plaintiff has alleged that her damages exceed the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

10. Upon information and belief, plaintiff, at the time this action was commenced, was a citizen of the State of New York.

11. At the time this action was commenced, Defendant, Atlantic Refining & Marketing Corp., was and still is a domiciliary of the State of Pennsylvania, being incorporated in the State of Delaware and maintaining its principal place of business in Philadelphia, Pennsylvania.

12. At the time this action was commenced, defendant, Sunoco, Inc. (R & M), was and still is a domiciliary of the State of Pennsylvania, being incorporated in the State of Pennsylvania and maintaining its principal place of business in Philadelphia, Pennsylvania.

13. The within Notice of Removal is hereby filed within thirty (30) days of Defendants' first receipt of plaintiff's Verified Complaint. See 28 U.S.C. § 1446(a) and (b).

WHEREFORE, defendants, Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R & M), pray that the above action now pending in the Supreme Court of the State of New York, County of Westchester, be removed to this Court pursuant to 28 U.S.C. § 1441(a), (b) and (c).

CONNELL FOLEY LLP

Attorneys for Defendants,
Atlantic Refining & Marketing Corp. and Sunoco,
Inc. (R & M)

By: Matthew W. Bauer for
Matthew W. Bauer (MB 7354)

Dated: August 17, 2007

LOCAL CIVIL RULE 11.2

I, Matthew W. Bauer, hereby certify pursuant to Local Civil Rule 11.2, that the above-captioned matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

CONNELL FOLEY LLP

Attorneys for Defendants,
Tom Allen Construction Company and
Mears Group

By: Matthew W. Bauer for
MATTHEW W. BAUER

Dated: August 17, 2007